

**ANNUAL REPORT
OF THE
CHILD CUSTODY AND SUPPORT
ADVISORY COMMITTEE**



**Indiana Legislative Services Agency
200 W. Washington Street, Suite 301
Indianapolis, Indiana 46204**

November, 2001

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A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.state.in.us/legislative/>.

I. STATUTORY DIRECTIVE

The Indiana General Assembly enacted legislation (see IC 33-2.1-10) directing the Committee to study the following:

- (1) The mathematics pertaining to the child support guideline chart.
- (2) The actual costs of supporting a child.
- (3) Whether it is appropriate to calculate child support guideline amounts based primarily upon the ability of the parent to pay rather than the financial needs of the child.
- (4) Equality of child support awards for the children of the parties, regardless of birth order.
- (5) A mechanism that may be employed to modify the amount of support to be paid due to a change in financial circumstances or a change in the number of children being supported by either parent.
- (6) The age of a child to the extent that the child may require different amounts of support at different ages.
- (7) Clarification regarding under what circumstances, if any, support may be abated.
- (8) A mechanism that may be employed to ensure that the guidelines are applied flexibly.
- (9) The application of the guidelines to a split custody situation.
- (10) Whether it is appropriate to base child support guidelines upon the premise that the child should enjoy the same standard of living that the child would have enjoyed had the family remained intact.

The committee must also review custody, educational expenses and other items relating to the welfare of a child of a family that is no longer intact.

II. INTRODUCTION AND REASONS FOR STUDY

See Section I above.

III. SUMMARY OF WORK PROGRAM

The Committee met three times during the 2001 interim.

The first meeting was held at the State House on August 31, 2001. Topics of discussion were: (1) the family court pilot project; (2) family law mediation programs; (3) parenting time guidelines; and (4) the future organization of the family law trial court.

The second meeting was held at the State House on October 2, 2001. The topic of discussion at this meeting was the centralized child support system at the Family and Social Services Agency.

The third meeting was held at the State House on October 24, 2001. The topic of discussion was proposed legislation concerning child support. Additional discussion addressed the adoption of recommendations and a final report.

IV. SUMMARY OF TESTIMONY

Family Court Pilot Project

A description of the history, organization and goals of family courts was presented to the committee. Family court pilot projects in Johnson, Porter, Monroe and Putnam counties were discussed.

The two basic structural models that are being employed by family courts were presented to the committee. The first model brings all the cases that involve family members before one judge. For example, a dissolution proceeding involving the mother and father and a possession of marijuana case against the son will be heard in a single court. In the absence of a family court these two proceedings would be heard as separate matters. The second model uses a case coordinator. The individual cases cited in the example above would remain separate matters but the case coordinator would oversee each case. The case coordinator would inform the court of other proceedings to guard against conflicting orders and ensure consistency and uniformity of action.

Family Law Mediation Programs

Information was provided to the committee regarding implementation and use of mediation in family law cases in Indiana. The information focused on how specific courts are using non-adversarial, mediation approaches to resolve family law cases.

Testimony demonstrated that courts have taken many different approaches to using mediation, including the following: (1) A filing fee of \$20.00 is charged in all family law cases to finance mediation which the court orders in specific cases. (2) Attorneys are sent to 40 hours of mediation training for high conflict divorces in exchange for mediation work in high conflict cases at \$95.00/hour. (3) Social workers are assigned to a IV-D court in which they meet with families on visitation issues and prepare parenting plans for the prosecutor and court.

Parenting Time Guidelines

An explanation of the genesis of the parenting time guidelines was presented to the committee. The judicial center, using grant money, assembled and disseminated a survey on custody and visitation to attorneys, judges, and other designated professionals. The responses to the survey, an emphasis on negotiation and mediation of visitation disputes, and the use of a child centered approach guided the drafters of the guidelines. It was noted that Indiana is at the forefront in the use of a child centered approach.

The Future Organization of the Family Law Trial Court

Emphasis on a multi-county, district based mediation program was suggested as a model. This could be accomplished as part of the family law court project or as an independent program. Funding to study and initiate such a program is currently being sought through applications for grants.

Centralized Child Support Collections

Child support collections over the previous nine years were discussed by the Division of Family and Children. It was noted that child support collections for fiscal year 2001 were \$386,590,889. This figure represents the highest amount collected over the previous nine fiscal years. The goal for the division is to

collect \$500,000,000 per fiscal year.

The stated reasons for the increased collections are: (1) improved coordination between prosecutors and County Office of Family and Children to increase child support collections; and (2) development and implementation of the Indiana support enforcement tracking system (ISETS).

The cost effectiveness of child support collections was also addressed. Indiana collects \$7.69 in support for every \$1.00 spent to administer the child support enforcement program. The national average is \$4.21 for every dollar spent. This makes Indiana the most efficient state in child support collections.

Preliminary Draft 3466

This draft amends current law in an effort to comply with federal child support collection requirements. Andy Roesener, staff attorney for the committee, discussed the effect of the draft. Sen. Ford stated no vote would be taken on the draft by the committee.

V. COMMITTEE FINDINGS AND RECOMMENDATIONS

The Committee made the following findings of fact: NONE

The Committee made the following recommendations:

That a court presiding over a child support matter must be notified when a Title IV-D agency administratively implements an income withholding order against a non-custodial parent.

WITNESS LIST

Jeff Bercovitz, Director of Juvenile and Family Law, Indiana Judicial Center

Lilia Judson, Executive Director of the Office of State Court Administration

Nancy Gettinger, Director GAL/CASA, Division of State Court Administration

James Hmurovich, Director of Division of Family and Children